



Graves Garrett LLC

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BY ECF

Hon. Analisa Torres
United States District Judge,
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007
Torres_NYSDChambers@nysd.uscourts.gov

Re: *In re Search Warrants dated November 3 and 5, 2021, No. 21 Misc. 813, No. 21 Misc. 819, No. 21 Misc. 825 (AT), Letter Motion for Extension of Time for Parties to Respond to Master's Report and Recommendations Pursuant to Fed. R. Civ. P. 53(f)*

Dear Judge Torres:

This firm represents Petitioner Project Veritas, but we write on behalf of all Petitioners in the above-referenced cases to respectfully request an extension of time to file responses to a recent Master's Report and Recommendation under Fed. R. Civ. P. 53(f)(2). *See* Section I.C, Individual Practices.

Background

On December 8, 2021, the Court granted Petitioners' motions for appointment of a special master and appointed the Hon. Barbara S. Jones. *See* No. 21 Misc. 813, ECF 48. The parties completed briefing of the legal and factual issues presented by the master in July 2022. In November 2022, the parties were notified that the master expected to issue her report in early December.



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In early December, 2022, the parties were invited to file supplemental briefing on one additional issue, and those filings were completed before Christmas.

On March 21, 2023, nearly a year after briefing on the main issues had been completed, the parties received emails attaching the master's report and recommendations, consisting of a 20-page discussion and a 65-page PDF spreadsheet covering each document in the potential production. Amendments and clarifications to the report were distributed over the next several days. On Friday, March 24, the parties received a native, Excel form of the spreadsheet because some parts of the original PDF spreadsheet were obscured. Finally, on the afternoon of Saturday, March 25, the parties received a second amendment to the report with a link to the master's proposed redactions to certain documents.

Reason for Request

Fed. R. Civ. P. 53(f)(1) instructs that parties "may file objections to—or a motion to adopt or modify—the master's order, report, or recommendations no later than 21 days after a copy is served, unless the court sets a different time." Here, that date could fall as early as Tuesday, April 11, 2023, if the master's initially emailed materials started the 21 days, or as late as Monday, April 17, 2023, if the period runs from the date the master revealed her proposed redactions. (The redactions were transmitted on a Saturday, and so the 21-day filing deadline would fall not on the Saturday three weeks after, but on the following Monday under Rule 6(a)(1)(C)). Either way, Petitioners need more time to consider and respond to a series of successive factual and legal issues, including important questions arising under the journalistic privilege and the First Amendment. Petitioners will not argue the merits here, but the constitutional and factual issues were of sufficient weight and complexity that the master devoted nearly a year to her deliberations.

These matters will now come to this Court for de novo review. *See* Rule 53(f)(3) and (4). Granting an extension of roughly two to three weeks, from either April 11 or April 17 to **Tuesday, May 2, 2023**, is necessary to allow the Petitioners to preserve their arguments and present them in a way that facilitates this Court's ultimate decision on the merits. No other extensions have been requested; no other deadlines in this matter will be impacted.

The Government was consulted early on Wednesday, March 21, 2023. On Friday, March 24, it responded that it would agree to an extension of only one week: "The



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Government's position is that 21 days was and remains sufficient, but it has no objection to providing an additional 7 days as a courtesy to the Petitioners. The relevant materials were obtained nearly 17 months ago and, to date, no materials have been released to the Government's investigation team."

The Petitioners believe that the additional one to two weeks will aid the Court and the parties in grappling with factual and legal issues that took the better part of one year to decide. This is particularly true given the four-day delay in receiving a corrected and complete report from the special master. For all of these reasons, the Petitioners respectfully request that the deadline for responding to the master's report be extended to **Tuesday, May 2, 2023**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edward D. Greim', written in a cursive style.

Edward D. Greim

Served by ECF